

S E N T E N C E

In the name of the Union of Soviet Socialist Republic the Military Collegium of the Supreme Court of the U.S.S.R. at a closed session in Moscow on July 15, 16, 17, and 19, 1934, before President of the Court V. V. Ulrich and members of the Court P. A. Kameron and N. M. Rychkov, with Secretary A. A. Batner without counsels either for prosecution or defense, having heard the case of:

1. Kim Zaon, same Kaneko Fiziyo, born 1903, native of Korea, citizen of the U.S.S.R., non-party man, student of the locomotive faculty of the Moscow Electric-Mechanic Institute of Transport Engineers, not previously under trial,
 2. Kozlov, Vasilii Vasilyevich, born 1902, non-party man, of a well-off peasant's family, a higher school graduate, chief of the locomotive department of the engine service of the Moscow-Kazan Railroad Administration, not previously under trial,
- by the investigation established the following.

Creation of an espionage-sabotage organization at the railroad transport and its tasks.

Beginning from the spring of 1930 up to the beginning of this year, at the railroad transport there existed an espionage sabotage organization, which had two main tasks.

1. Gathering of Information:

- (a) About the condition of the railroad transport in general, and the locomotive service and material in particular;
- (b) About the shipping capacity and readiness for mobilization of the railroads, connecting Moscow and the Soviet Far East, especially those of the Moscow-Kazan Railroad;
- (c) About the condition of the locomotive repair service in the U.S.S.R. in general, and especially on the railroads, connecting Moscow with the Soviet Far East;
- (d) About military transportation to the Soviet Far East.

2. Carrying out of wrecking activities and sabotage on railroads, in locomotive repair shops, by means of putting the equipment, machinery and single engines out of commission, as well as by engineering railroad accidents on the railroads leading to the Soviet Far East, especially on the Moscow-Kazan Railroad, simultaneously preparing for large-scale sabotage in war-time.

During the said period the espionage-sabotage organization succeeded in gathering quite a lot of top secret information and in inflicting considerable material damage by wrecking systematically as well as by engineering a number of railroad accidents. This was done through the agents of the organization, recruited from among employees at the People's Commissariat for Railroad Transport main office, at the Moscow-Kazan Railroad, and some engine repair shops.

All the activities of the espionage-sabotage organization can be divided into two periods: The first period from the beginning of 1930 to the autumn of 1931, when several foreign engineers who had come to the Soviet Union on a special committee for the reorganization of locomotive repair work, were at the head of the organization and the foreign engineer Kato directly heading it, the engineers Okava, Baba, and Seyana being his assistants. Hirschima and Kim Zaen acted as interpreters and recruiting agents, the latter having been transferred to the U.S.S.R. as far back as 1924 by the Secret Police of Kharbin and who had conducted provocative espionage work among Korean and Chinese immigrants on the territory of the U.S.S.R. for a number of years. The second period, from the beginning of 1932 to the beginning of this year, when the said Kim Zaen was at the head of the espionage-sabotage organization. During this period their attention was paid mainly both to systematic gathering information about the transfers of military units and material for the strengthening of our Far Eastern frontier, and to increasing their sabotage activities on the Moscow-Kazan Railroad, one of the main arteries leading to the Soviet Far East.

The recruited agents were paid out of the funds received by Kim Zaen from the above-mentioned foreign citizens.

II.

Espionage Activities at the Railroad Transport.

As far back as 1930 several responsible employees of the People's Commissariat of Railroad Transport main office of the Moscow-Sortirovochnaya (Sorting Station) engine shops, and of the Murom engine repair works were recruited by the foreign engineer Kato and his assistants. These recruits passed secret and top secret information over to Kato and Kim Zaen, receiving pecuniary rewards for it.

III.

Sabotage Activities at the Moscow Passenger and Moscow-Sortirovochnaya Depots of the Moscow-Kazan Railroads.

The direct organizer of sabotage at these depots was engineer Kozlov, head of the Moscow-Sortirovochnaya depot. As far back as 1930 he received instructions from the foreign engineer Baba that it was necessary to activate sabotage on the Moscow-Kazan Railroad with the aim of hampering the work of the Moscow-railroad junction and putting engines and carriages out of commission. Baba, and later on Kim Zaen, paid special attention to the necessity of engineering railroad accidents, wrecking military trains in particular, of putting power-plants, turn-tables, water towers, and derricks out of commission. His wrecking activities were conducted by Kozlov along two principal lines: wrecking in the depot, and engineering railroad accidents. During 1930 to 1935, Kozlov recruited for direct sabotage several railroad employees, who were paid by him out of the funds received from Kim Zaen.

The Military Collegium of the Supreme Court of the U.S.S.R. sentenced:

1. Kim Zaen, according to articles 58/6, 58/9 and 58/11 of the Criminal Code;
2. Kozlov Vasili Vasilyevich, according to the same article of the Criminal Code;

to the Capital punishment -- shooting, with the confiscation of all their personal property.

The sentence is final, no right of appeal.

Signed: President of the Court V. Ulrich
Members of the Court Kameron
Ryckov

Correct:

Secretary of Military Collegium of Supreme Court of the U.S.S.R.

Correct: Chief of Secret Ciphering Department of Military Collegium of Supreme Court of the U.S.S.R.: Major of the Judicial Corps Vaintrub.

CERTIFICATE OF TRANSLATION OF THE ABOVE DOCUMENT:

I, V. Kaplan hereby certify that I am thoroughly conversant with the Russian and the English languages: and the above is a correct and true translation of the indicated Document.

Signature V. Kaplan /s/

EXTRACT

From the shorthand minutes of the closed session of the Military Collegium of the Supreme Court of the U.S.S.R. held in Moscow before:

President of the Court	: V.V. ULRICH
Members of the Court	: P.A. KAMERON and N.M. RYCKOV
Reserve member of the Court	: A.M. ORLOV
Secretary	: A.A. BATNER

Without councils either for defense or prosecution.

The court is to hear the case of:

1. Kim-Zaen, same Kaneko Eiziro.
2. Kozlov Vasily Vasilievich, et al.

President: Defendant Kim-Zaen, tell the court, when, and in what circumstances did you begin your intelligence work for Japan.

Kim-Zaen: When I became an agent of the Japanese secret service and how it happened, or to be more exact, how I became to be engaged in military espionage. It took place in the middle of April 1922 in the city of Kharbin where I arrived at that time, having been hired by a Japanese firm for the work, in its local branch. I was recruited by a certain Japanese, MATSUSIMA by name, who at that time was a representative of the secret service under the Korean Governor-General in North Manchuria. When he offered me to start working, I did not "put my heart into my work" in the beginning. Later on I began to work faithfully. I became a devoted worker. On MATSUSIMA's recommendation, I became a student of the courses training secret agents for intelligence work on the territory of the U.S.S.R.

(p. 2)

"...In 1929, in about the middle of September I became a Russian Citizen...."

"...I found job at the "Aviopribor" plant (Aircraft Equipment Plant) and here I proved a devoted agent of the Japanese intelligence service. Whatever I saw I told KIMURA in compliance with his orders....."

"...Now I shall pass on directly to 1929. Once in the autumn of 1929 I met Japanese counsellor AMO. At the beginning of 1929 I received a letter from my fiancée living in Kharbin, and after this I met AMO once, and I don't know how many times I met him, probably once in two months. After that I did not see him for three months being on leave. In 1929 I met him late at night at the entrance of the Temple of Christ the Saviour. This meeting place, as is indicated in my testimony, was very convenient because in front of it was the Communist University of Chinese Toilers. The students worked there far into the night and two outsiders of un-European appearance would not attract anybody's attention. A characteristic feature - I did not yet tell him that I had become a Soviet citizen, married a Russian girl, that everything was done to give me a chance of getting in everywhere as AMO had instructed me.

"...Now we can get in everywhere, let us work, let us work hard to serve our country, to annihilate hateful white-skinned people. Let us serve our country," That's what he said. He also said that there was a good chance for that as Japanese railroad specialists were to come to work on Soviet railroad transport, and so on, and so forth, as may be seen in my testimony. What was my task? My task consisted in that, that having been hired by Soviet administration and attached as an interpreter to all Russian specialists who would deal with the Japanese, I should be a kind of connecting link in carrying on negotiations with, as well as in setting tasks to, receiving money from or paying money to, etc., the recruited Russian citizens. Just by that time I was expelled from the Institute. Then AMO persuaded me that to get work in the People's Commissariat for Railroad Transport would be an easy thing as in Moscow there were none or at least very few people knowing Japanese and that is why my attempt would be a 100% success.

(pg. 4)

I became an employee of the Kazan Railroad in November 1929... I was sent to work at the Technical Research Department..."

...There were 12 Japanese, who arrived there and among them 4 engineers, 4 technicians, 4 students on practice and I interpreted, so there were 12 persons in all. They all were repairing workers by trade. Two of them were specialists in the field of locomotive service, and two - in the field of carriage service. So our committee for Japanization found it useful to employ them according to their specialties.

Since it was originally decided that the Japanese methods would be employed as an experiment only on the Kazan Railroad, the whole group of locomotive repair service specialists, six in number, with engineer OKADO at the head, was sent to Murom. The only engineer in the group was OKADO. In Moscow were left six men, and among them KATO, an excellent leader, his interpreter, or rather his private secretary, and then SUYAMA, BABA, SHIMOTO, and KOKIMOTO. They were carriage specialists and worked at the Perm works... ..
..(p. 5)

...These specialists were Japanese secret service agents, and they served their fatherland as faithfully as those barbers and laundry workers who had been planted on the whole territory of Czarist Russia before the Russian-Japanese War. Now you can imagine, how well they were prepared both ideologically and technically what adroit people they were. They were, so to say, the cream of the Japanese Secret Service, not in the least resembling the Japanese railroad technicians of today.

And so, I began my espionage activities in the Sortirovochnaya depot.

I can't recollect how long we were working, I believe till July. But I well remember that at that time the Japanese engineers employed by the Kazan Railroad in accordance with the decree of the Government and the People's Commissariat for Railroad Transport, and even of the People's Commissariat of the Workers and Peasants' Inspection, were transferred to work under the so-called Central Administration of Repair Works and later on in August to the All-Union Administration of Repair Works. Further on, I shall call it briefly VORZ.

I think this took place in August. At that time some changes took place in my life as well.

What happened next? I was transferred to VORZ together with the Japanese, namely: KATO, HIROSHIMA and all others, who had worked at the Murom works, with the exception of two of them BABA and SUYAMA with whom I had been working since the beginning of my activities.

When I went to work at VORZ I already began working in direct contact with KATO. It is emphasized in the indictment that KIM was KATO's most active assistant in recruiting agents from among RUSSIAN citizens, in recruiting qualified specialists in order to obtain more valuable information. I fully confirm this I did commit these crimes. I always helped KATO in recruiting these Russian citizens, and when KATO decided whom it was necessary to recruit I always carried out to the letter everything he told me to do.

All of you know that KATO was a man with great intuition. That is why the Japanese Secret Service put him at the head of the whole organization. The Japanese imperialism stated much on him, believing that KATO was a genius who would make our nation, the Japanese nation, famous all over Europe, not only by his technical achievements but also by his intuition and would definitely achieve much in the future war. I don't remember exactly whether the TANAKA memorandum was already in existence at that time, though it seems to me that the Japanese General Staff had it. The high degree of preparedness for work of the Japanese agents who came to the USSR has already been emphasized here. All of you know what importance was always attached to KATO's words, no shade of the meaning of his words was ever missed. He possessed a gift of fascinating people either by his power or by his words, he fascinated everybody like a fierce lion fascinates its prey, and I must say that he knew how to choose it, and he never missed his target.

My espionage covers this period.

Summing up, I would like to say that at that time I was connected with the Japanese Secret Service through KATO and HIROSHIMA.

During the following period, of my even more criminal activities I was already at the head of all our residents and worked independently and my pent-up fervor and the poison, with which I was infected like a bullet for the gun of the Japanese imperialists, made themselves felt still stronger. At that time this poison, a very strong one, something like kuroze or strychnin, played its role. At that time I consented to preserve the residents, with whom I was already acquainted. I gave my consent the more willingly as SHIMADA knew about everybody.

I want to emphasize beforehand that I had known SHIMADA earlier in Kharbin, where he was vice-consul, and I - private secretary of YAMAZAKI, who held a very high position. In Japan only the emperor could appoint people to this post. Therefore he was almost equal in rank to the Japanese consul-general in Kharbin.

So far as I was a private secretary I was greatly trusted. The Japanese knew whom they had to deal with, they trusted me and at that time they were not mistaken.

Now I met him in Moscow. I must say that when we met he told me a lot of pleasant things, that I was a man devoted to the emperor, that my name would shine and so on, and so forth, but all this is rubbish.

I remember our first meeting. I did not seek it, we met by chance. Here again wicked fate played a trick on me. We met in the living quarters of the Japanese embassy in Vozdvizhenka street in the following way: I happened to be standing in Arbat square waiting at the tram stop for tram "A" when suddenly SHIMADA appeared from around the corner and saw me. I was not in my working clothes but in good ones looked like a foreigner, belonging to the same nationality as Shimada and nobody could suppose that he was a Japanese and I was a Soviet subject having a passport in my pocket. He boldly came up to me and told me that he wanted to see me and arranged our meeting. That's

how it came about there again the fatal chance played its part and my fate smiled grimly at me. I kept my appointment to prove once more my devotion to the cause. But speaking frankly I can't say that this time I kept this appointment to prove sincerely my devotion to the cause.

Thus I became a Japanese spy. But my activities took on another aspect, the Japanese command were not satisfied with abstract information. Nay, they wanted to have concrete information about the Siberian trunkline, about the Soviet Far-Eastern railroads. We want to fight against the Soviet Union. We need precisely this information to hamper the transportation of troops and the shipment of war materials by the Soviet Union to the Soviet Far East in case of war and in order to disconcert the European part of Russia and the Soviet Far East. This I fully confirm. (p. 7, 8, 9,)

... My sabotage work began since the fall or the end of 1932. I confess that I began it since the fall of 1932. Shimada set me a task which is mentioned in my testimony and in the indictment (p.38) I chose my agents myself, because Shimada did not inform me of the people recruited for sabotage work. He said that it was possible to recruit and come to terms with KOZLOV. He meant the recruiting of people working in the depot to engineer railroad accidents, to put the equipment out of commission at the proper time, to deprive the depot of its fuel base, to damage and put out of action the locomotives on military tracks. This work could not be carried out without the primary nucleus and therefore Shimada was quite right when he suggested coming to terms with KOZLOV who was chief of the depot and was familiar with all the work. And KOZLOV carried on sabotage work.

Actions aiming at the destruction of Soviet transport. I shall not repeat what I said in my testimony (pp. 51-52) I fully confirm this. I say that not to mitigate my crime! May be they did more. I personally instructed them to engineer accidents of goods trains, but why should the innocent passengers perish? No such task was set and not because it involved heavy responsibility, but because the Japanese secret service did not need it. There was some talk of troop trains but not of civilian passengers. Those who were ready to fight had to be annihilated, the Japanese probably wanted that I agree with this. It is a heavy guilt, but I said nothing about the passengers. (p. 10-11).

President: What instructions as regards sabotage did you receive from your superiors? What acts of sabotage had you to commit in 1932, 1933 and 1934 and what instructions did you give to your agents?

Kim Zaen: It was necessary to systematically engineer railroad accidents of freight trains.

President: Freight trains?

Kim Zaen: Freight trains carrying military loads exclusively, only troop trains on the tracks of the Kazan and Northern Railroads. I don't know how it was done on the Northern RR, I only knew about about the Kazan RR.

The first task was as follows. It was necessary to make preparations for blowing up the entire depot, i.e. the powerplants, compressors, the turn-tables at a proper time. Without these a depot is no depot any longer. You know yourselves, that all the locomotives are at a standstill, not a single train can be provided, if the turn-table is blown up.

In addition to this SHIMADA knew perfectly well, that there were oil cisterns-oil tanks at the depot. We don't produce oil in Moscow. The Japanese also know that it is necessary to blow up the oil cisterns to leave the locomotives without fuel one fine day, so that at a necessary moment all the locomotives in the mobilization reserve might be blown up.

As to other tasks. There were tasks of the following kind. We had to constantly intensify preparations for blowing up the largest bridges, for instance: the Amur river bridge, which is the largest, and also the Lake Baikal tunnel. Having blown up these two constructions we would place the Soviet Union in a very difficult position by depriving it of its means of transportation with the Soviet Far East. Only this I am guilty of, this is the crime I committed. I told this to the interrogator and said, that I must necessarily be shot.

President: Explain, what sabotage instructions were given by you.

Kin-Zaen: They were to damage locomotives, worsen repair work, engineer railroad accidents troop trains.

President: And what about ordinary goods trains?

Kin-Zaen: I have said: military goods trains, I don't speak about the trains with ordinary loads.

President: What mechanisms may now be broken at the stations? What about locomotives?

Kin-Zaen: They may.

President: So it is possible to do damage work at the locomotive repair shops?

Kin-Zaen: Yes, it is. Instructions to do such work at the Moscow depot were given; when locomotives came to the depot to be repaired or to remain there in the reserve stock one should deliberately break poles, make artificial leaks, damage funnels, and use all means of damaging locomotives, those under steam as well as those under condensed steam, and during the period of rinsing not waiting for the war to break out. But as to damaging the turn-tables in the oil depot we had to wait for special instructions. (p.11-12)

President: You have said that you gave instructions to slow up the railway traffic on the railroads near Moscow. Make it clearer, what were the means of doing it?

Kin-Zaen: Organization of railway accidents.

President: Irrespective of trains being passenger ones or military?

Kin-Zaen: I gave them instructions, general instructions, to upset the normal railway traffic.

President: What other ways of slowing up the traffic near Moscow besides the organization of accidents and damaging locomotives, were there?

Kin-Zaen: By means of collisions of trains, collisions of locomotives on the main lines and uncoupling of trains. Railway accidents were organized, locomotives under repair damaged, goods cars at the Sortirovochnaya Station at Perovo broken, certain necessary people having been recruited beforehand. Then....what else can I say. In a word, we did everything. (p. 12-13)

President: In what way did you account to Shinada for what you had done?

Kin-Zaen: I gave my accounts verbally: now the work has been started, now I have come to an agreement with Koslov, now the work is going O.K. and carriages have been broken, locomotives put out of commission--every time I gave my accounts verbally...."

Kin-Zaen: ...Now about the System of Maintaining the connection. There was given rather an accurate description of how I, an ordinary agent, became a resident. So you see that only Kin-Zaen was at the head and directed all the activities.

How and by what means that contact was maintained. As I was afraid to enter offices and to carry on negotiations there or in some other premises, for I was sure that OGPU was shadowing me; I as it had been suggested by AMO and SHIMADA, met people only in the streets.

And all was very well until the Temple of Christ the Savior was taken down. But after that things became more difficult.

There was no place where either Koreans or Japanese could stay long, and therefore we had to meet on the embankment, near Neskuchny Garden.

Last time we met opposite the Moscow City Power Station (MOGES). Once or twice, running a great risk, I visited the living quarters of the Japanese Embassy in Moscow near the International Agrarian Institute. (p.13-14).

President: Whom of the Japanese Embassy personnel did you meet during your stay in Moscow?

Kin-Zaen: I met AMO and SHIMADA only. It was planned that I would meet another man from the Japanese Embassy who stood in place of SHIMADA, but this appointment did not materialize, as I was arrested. (p.14).

President: Tell some more about the interrelations. How did you arrange meetings with AMO and SHIMADA when it was necessary? By the telephone? How did you inform your superiors when there was an urgent need to see them.

Kin-Zaen: When it was necessary I rang up the Embassy giving the number of its telephone for general use, and when my call was answered I said only one word, of course in Japanese: "Eiziro", and nothing else. (p.15)

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President of the Court - Vavich.

Secretary - Babin.

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30. Y.Be.

CERTIFICATE OF TRANSLATION OF EXCERPTS OF THE ABOVE DOCUMENT:

I, Kunin, hereby certify that I am thoroughly conversant with the Russian and English languages: and the above is a correct and true translation of the indicated excerpts of the above Document.

Signature : A. Kurin /s/

C E R T I F I C A T E

I, Lt. Colonel TARANENKO G. I., a member of the military forces of the U.S.S.R., do hereby certify that extract from the minutes of the close session of the Military Collegiums of the Supreme Court of the USSR and the copy of the Sentence of July 15-19, 1934 passed on Kim-Saen and others on 20 sheets was delivered to me by the Military Collegium of the Supreme Court of the U.S.S.R. on or about February 28, 1946, and that the original of the said document may be found in the Military Collegium of the Supreme Court of the U.S.S.R.

I do further certify _____

Lt. Col. TARANENKO
(Signature and rank.)

/s/ Taranenko

Tokyo, Japan

June 21, 1946.